

# Alabama Sentencing Commission

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**Tuscaloosa County Bar**

May 6, 2022

# Class D Felony Sentencing

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- Class D origins
- Criminal History & Sentence Length

# Class D Felony Sentencing: **Criminal History**

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- Any 3 Prior Felonies *or*  
2 prior Class A or B felonies  
needed for Jail or Prison

# Class D Felony Sentencing: Sentence Length

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- 1 year 1 day - 5 years and in accordance with subsection (b) of Section 15-18-8
- If predicate criminal history is met, must be punished for a Class C felony.  
*What does that mean?*

# Class C Felony Sentencing

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- ...not more than 10 years or less than 1 year and 1 day and must be in accordance with subsection (b) of Section 15-18-8 unless sentencing is pursuant to Section 13A-5-9 or the offense is a sex offense pursuant to Section 15-20A-5.

# Split Sentencing Generally

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- Section 15-18-8
- Class C & D vs Class A & B

# Sentencing Standards: Voluntary vs Presumptive

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- Most Serious Offense Rules:  
**5 Rules**

# Sentencing Standards: Voluntary vs Presumptive

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- Compliance
- Departures



# Voluntary Sentencing Standards

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- Consideration of Standards
- What Constitutes Compliance?

# Presumptive Sentencing Standards

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- *Apprendi* and *Blakely* SCOTUS cases
- Alabama's Presumptive System
- Compliance and Departures

# How much **time** will I serve?

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- Parole
- Good Time
- Mandatory Supervised Release

# Looking into the Future...

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- Federal Litigation
- New Prison Plan
- Budgets

# Contact Information

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Alabama Sentencing Commission

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